

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

Nolen Bell,	:	CASE NO. 1:05-CV-2415
	:	
Petitioner,	:	
	:	
vs.	:	ORDER
	:	[Resolving Doc. 23]
Carl S. Anderson,	:	
	:	
Respondent.	:	
	:	

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On September 29, 2006, the Court filed an Order & Opinion, which stated “The Court additionally certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could be taken in good faith. *See* 28 U.S.C. §2253(c).” [Doc. 16.] On December 8, 2006, the United States Court of Appeals for the Sixth Circuit noted that the Court had not specifically delineated which issues were certified for appeal. [Doc. 23.]

The standard for issuing a certificate of appealability is more lenient than the standard for whether to grant a petition for habeas corpus. *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Accordingly, the Court hereby issues a certificate of appealability pursuant to 28 U.S.C. § 2253(c); Fed. R. App. 22(b) as to the following issues: (1) whether individuals who have been granted a release date retain at least a “residuum of liberty” sufficient to necessitate substantive due process; and (2) whether the Parole Board’s actions were so arbitrary or capricious as to shock the conscience, thereby supporting a substantive due process claim.

Case No.1:05-CV-2415
Gwin, J.

IT IS SO ORDERED.

Dated: January 9, 2007

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE